



Town of Marshfield

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Michael A. Maresco
Town Administrator

December 6, 2024

RE: Response to Letter dated December 4, 2024 from Jaci Mason Addressed to Town Administrator

Dear Jaci Mason,

Thank you for reaching out to me for answers to some fair but very complex questions. I will tell you that without a comprehensive study, including information from the state auditor, it would be hard to accurately predict what the actual impact to the Town of Marshfield would be if there were a full build out of multi-family housing in the proposed MBTA Communities zoning district.

What I do know is that the Town Planner selected this area after considering other areas throughout the town because it already had high density developed with successful business and also with the pre-existing multi-family apartments and condominiums.

Under the MBTA Communities Act, the Town Planner Greg Guimond has determined that our town would be required to zone an area of the town with the hypothetical capacity to accommodate 1185 housing units. In this area, due to existing multi-family development in the proposed zone, the town area would only need another 650 units to reach the full buildout required for compliance. The projected worst case for the town would be an additional 650 units on the north side of Rte. 139 from School Street east to the High School. In order to get to 650 units, the Town Planner reasons that developers would have to be willing purchase at a significant cost multiple properties with existing businesses generating what is also believed to be positive revenue, then bear the cost of demolition, be subject to a local permitting process in which they have to demonstrate compliance with the town's strict water resource protection district nitrogen standards (and likely to require wastewater treatment plants), incur all time high costs to construct new multi-family housing meeting the limitations that the Town Planner could legally retain, and then rent those units or sell those units. The Town Planner has concluded that it is highly unlikely that this would be economically feasible, and this was a motivating factor when selecting this area. In contrast to the several other areas in Town where land is more readily available or where it would be far more economic to purchase several smaller homes and merge the lots for a multi-family development, the Town Planner has spent nearly two years trying to propose a district with the least impact on the town.

I will continue make every attempt to get you some realistic potential estimates of expense to the town; however, all of the town officials that I consult with, agree that there will be a significant financial impact to the Town of Marshfield with the passage of the articles. Most communities project the delta between projected revenue from real estate taxes and other revenue from new housing at full build out will not meet the additional expenses that will be borne by the towns. The exact amount, however, is dependent on how quickly multi-family housing can be built if permitted

and it is unlikely to be built again at one time and more likely to be constructed over a period of many years.

I want you to know that based on my 44 years of experience in state and local government, as well as consulting with the DPW Superintendent, Police Chief, Fire Chief, Harbormaster, Facilities Director, Superintendent of Schools, Town Planner, Town Counsel, Health Agent, HR Director, as well as my colleagues in nearly every other South Shore community, the Town and I have also tried to reasonably project the legal and fiscal impact of failing to create the zoning district that the Town is required by state law, our legislators and the Governor, as well as the Executive Office of Housing and Livable Communities to create.

I project that a “No” vote by our residents will ultimately result in the Town of Marshfield being compelled to approve a zoning district after a lawsuit is filed against us by the state and Attorney General. I am as upset as anyone else at that prospect; however, I have considered the structure of local law and its limitations under the Home Rule Amendment which is the source of protection for all local law, unsuccessful efforts by other communities to have the State Auditor conclude that the MBTA Communities Act creates an unfunded mandate which is required in order to bring a lawsuit over projected costs, unsuccessful challenges by residents of other Massachusetts communities like Marshfield to stop the implementation of the MBTA Communities Act, and carefully considered the changes to the MBTA Communities Act in November 2024 where the state made 13 additional grant programs part of the law eliminating a principal argument by the Town of Milton in its defense against the suit against them.

Until and unless Marshfield approves a district, the Town of Marshfield will lose the ability to obtain grants needed for coastal resiliency and public infrastructure improvements, among other grant programs, that we have relied on to protect Brant Rock, Ocean Bluff, Fieldston, and Green Harbor, replace bridges, construct streets, replace water and sewer infrastructure likely forcing our voters to pay for these costs from additional taxes as we will not have any choice other than to do this work. This is now projected at \$10M with projects that we need to address just in the short term and does not even consider additional projects like sewer treatment plant coastal protection and additional sewerage needed in Blackmount, Kent Park, and other areas of town where water resources are threatened by septic systems.

In addition to losing these millions of dollars in grant money, until we are in compliance, the Attorney General will be seeking, as she did in Milton, the appointment of a receiver to determine where in Marshfield a compliant district will be located. An outsider will never select an area that will be more difficult to develop as the Town Planner has selected but an area or areas that are intended to bring about a prompt compliance with the law with the least restriction and I am concerned that will be in our residential zones and adversely impact the very fabric of our villages. We will oppose that with every effort; however, the point is that someone other than a Marshfield resident will be determining again where that zoning district will be and that I cannot accept.

Even worse, there is legal precedent in other areas of zoning, where if a community does not zone for a particular use, a developer may be able to circumvent all zoning and propose multi-family housing anywhere in town until and unless the Town of Marshfield creates a zoning district that complies with the MBTA Communities Act. We would also oppose that with every effort, but this is something that has actually occurred with solar energy and with uses that are protected by the First Amendment like adult entertainment uses.

I acknowledge that no one can say with any certainty what will happen; but, if we lose the access to grants and the millions of dollars that we count on until we adopt this zoning and, in the meantime,

we are unable to prevent the development of multi-family housing, we will lose at least doubly because we will be forced to bear the expense of the impact of that development. Compounding this, the development will likely occur where it is even more undesirable and where neighborhoods will be irreparably harmed by increased traffic and wastewater impacts.

I know you have made this an issue of transparency online; however, it's not an issue of transparency at all. The Town did not create this issue, there is great uncertainty as to how this matter will all play out; however, what is crystal clear is that doing nothing is likely the worst thing the Town can do and it's not courageous to question the integrity of those of us that have to try reduce the impacts of what is known and unknown.

This sadly is about risk and rewards, and I do not want to waste a chance to control our destiny on this issue rather than run the risk of having it further dictated to us.

Below I have attempted to answer your questions with estimates of the actual costs.

1. What is the annual budget increase to general funds?

Assuming full build out of 650 units, I project the net increase in expenses over revenue to be in the millions of dollars; however, I do not expect that this will be in one flush and will occur gradually over a period of many years.

2. What is the budget increase to public safety?

I have spoken to Police Chief Phil Tavares and Fire Chief Michael LaSelva to get answers to the public safety cost question. The police in the worse scenario would need to increase the police department personnel by 10% or (5) additional officers, there would also be an increase on the overtime budget to cover officers' vacation and sick requests. If we wanted to eliminate overtime costs, we would need to hire 6-8 new officers. The police department would also need to add (2) additional police cruisers to cover the additional personnel. The approximate cost for a new officer is approximately \$85,000 and the cost on a new cruiser is \$75,000. The total potential cost to the police department dependent on the number of calls for services and on the time of day and day of the week, would be approximately \$600,000-\$800,000.

The Fire Department would also need to increase their personnel to potentially deal with the increase in ambulance calls. The fire department personnel work a 24-hour shift. They would be looking at potentially hiring 4-6 additional Firefighter Paramedics at a cost of \$83,000 each, if they can find them. They would also need 1 new ambulance at a cost of \$500,000. The financial impact would be approximately \$832,000 to \$998,000.

3. What is the total increase to the school budget?

The impact to the school budget would be dependent on the number of children that would be moving into our Town, less the offsets from Chapter 70. But it would be safe to assume that more teachers would be needed, an increase in Sped costs, an increase in transportation costs. The cost to educate a student every year is significantly more than the real estate taxes on the average single-family home.

4. How will our outdated small schools handle such an influx of students?

The Marshfield Schools are far from outdated and enrollment in our schools is down by approximately 800 students in the last ten years, meaning that we have the space to educate additional students. The high school is 12 years old. The Martinson School is beginning the accelerated repair program through the MSBA to have its roof replaced and the FBMS was updated with a new roof and had AC added to several of their classrooms. The school administration and the school committee are constantly making improvements to the physical plant regarding modernization of bathrooms, heat, AC, ADA etc. Over the last decade we have seen a decrease in student enrollment.

5. What could be the potential number of new students?

It would be very hard to estimate the exact number of children that could potentially move into Marshfield. We are examining the data from the Modera project and there are not as many students from that development as you might expect. However, the same could be said for the families that are already living in Marshfield. We don't know how many children a family wants to have or what their timetable is to have a family. In either case as a community, we would have an obligation to provide the best possible educational opportunities for these and any other children residing in our community.

6. How much does it cost the town to educate one student, and what will be the total cost for the expected increase in students?

I am not sure of the actual cost to educate a student in the Marshfield School System, but while reviewing the data for the South Shore Regional Vocational Technical School a number that was used was a per pupil cost of approximately \$19,862. School administration would have the best figures as to what it would cost to educate our children. I would not be able to answer the question about how many new teachers would be needed.

7. What will it cost the town for sewer and a treatment plant?

The MBTA Zoning District selected by our Town Planner is in an area of Town where public sewage does not exist. There are no plans as I am aware to extend the sewer line down Route 139 from Moraine Street. Any development in this area would require an onsite wastewater treatment facility processing facility just like the Town has installed at Marshfield High School. The vast majority of the proposed district is in the town's Water Resource Protection District which has nitrogen loading restrictions that are twice as strict as state regulations.

8. How much will it cost to ensure safe traffic flow, and what will that entail?

Route 139 has already been updated in this area with two lanes of traffic in each area. There are also two intersections with active traffic lights and the potential for a third intersection at School Street at a potential cost of \$350,000. A traffic study would need to be done by the developer of any of this land in order to adequately predict the number of cars associated with this build out and the developer would also be responsible to make the necessary improvements to Route 139 for traffic safety to and from their development as part of the permitting process.

9. How will the construction near the highway impact residents?

I am not aware of what construction you are referring to if you are speaking of current construction. If you are referring to future construction, the proposed MBTA Communities zoning districts are not near the highway. The district will go from Direct Granite to School Street on the west bound side of

Route 139. All construction would be on private property and not on Route 139 excepting roadway improvements. At some point there may be some interruption on Route 139 if the developer needs to make curb cuts. Any work on Route 139 would require a police detail. This is not a new requirement. The detail is paid for by the developer.

10. What will it cost to ensure children arrive safely to school from that location?

The exact cost I would not be able to pinpoint but it could, over time, require a number of additional school buses for all age groups to take these children to the elementary, middle and the high schools. There more than likely would also be more Special Education transportation required in town and for out-of-town placement.

11. How much time and resources will it take for the town to permit and plan these sites?

Not all of the units would be built at one time because it involves a number of different parcels and property owners. We have sufficient staff to listen to, review and process this maximum built-out and under our state and local laws, the cost and expense of outside consultants has to be borne by the developer.

12. Can our current fire and police departments handle this influx of people, and what will be the cost implications?

Please see my previous answer regarding public safety cost estimates for staff and equipment.

13. What other financial burdens will residents face, and what are the associated costs?

The biggest financial burden would be the loss of state funding until and unless we create a zoning district or reach compliance, the adverse impacts projected to be in millions from the development that will come even if we don't zone for it, and the unfathomable loss of our ability to choose where this MBTA Zoning should exist and its impact to the value of a neighborhood and abutting properties. A no vote will NOT stop the MBTA Zoning, it will just remove the Town from the driver's seat and pass the financial burden from the loss of state grants on to us the taxpayers and the rate payers as well as the consequential impacts.

14. What is the total of all grants we received last year that are now in jeopardy?

Over the last (10) we have received a number of grants for the state for dredging, beach nourishment, coastal resiliency, harbor improvements, roads, water, sewer etc. Here is a quick snapshot of some Harbormaster grants, not including the Police, DOJ and 911 grants. Some staggering grant numbers here that we could potentially lose. It would be devastating to our working waterfront. I did get a call from the Seaport Economic Council cautioning the Town that if the Town voted not to accept the MBTA Zoning, the money would not be coming to the Town regarding the grant of \$261,600.00 (Permitting/Engineering for the North/South Rivers). The Seaport Economic Council has in their regulations that communities must be in compliance with the MBTA Zoning in order to receive funding.

Harbormaster Grant submissions/awards:

2011 Seaport Advisory Council grant awarded \$500,000.00 North Commercial pier bulkhead

2012 FEMA Port security grant awarded \$386,000.00 Unit 1

2015 Seaport economic council grant awarded \$1,095,000.00 HM Building

2018 Seaport economic council grant awarded \$1,000,000.00 HM building

2018 Seaport economic council grant awarded \$95,000.00 GH Pier project

2018 State dredge grant program Marshfield/Scituate South River dredging awarded \$550,500.00
2021 FEMA Port security grant awarded: \$380,621.00 Unit 2
2022 FEMA Port security grant awarded \$53,000.00 Unit 1 new engines
2022 Seaport economic council grant awarded \$193,000.00 Harbor re-grid and mooring work for dredge project.
2023 State Dredge Grant Program (Green Harbor Dredging) awarded \$301,000.00
2023 Seaport economic council grant awarded for Pier permits & dredging permits phase 2 \$337,000.00
State Saltwater Grants awarded multiple years 2014, 2015, 2016, 2019, 2022 awarded (\$65,000.00) (kayak racks, GH ramp lighting, gangway for Damon's point)

2023 FEMA/MEMA the Harbormaster assisted the DPW with this grant awarded for Green Harbor Dyke Construction \$211,000.00
2024 Green Harbor public boat ramp project (\$650,000) ***Not a grant but State funding!
2024 FEMA Port Security Grant awarded \$604,000.00.
*2024 Seaport Economic Council Next meeting is Dec. 2nd. 2024 We have been invited to this meeting; we have a \$261,000.00 grant on the agenda.

Most notable is the DOT Port infrastructure grant for Green Harbor for 7.1 million. We were unsuccessful last year. However, it was resubmitted in April of 2024.

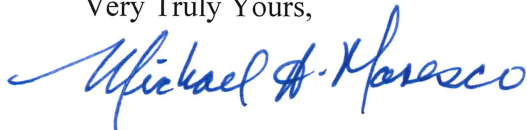
Numerous USACE dredging/jetty projects excess of 9 million conservatively!

*Govt. surplus property more than 1.5 million. (Humvees, High water rescue vehicles).

15. If all units were built as zoned, what would be the annual cost added to the town?

I am projecting this net cost in the millions from the development alone. The loss of grant funding compounds this cost to taxpayers by the portions of state funds we would ordinarily expect to receive and that is easily in the tens of millions of dollars in the very short term and sharply increases over time. If all of the units are built over time there would be costs associated with education, public safety, water and trash collection. These are all standard costs associated with any community. These costs are no different than the costs we have right now for all the development presently taking place in our town. This is included in our annual budget for police, fire, DPW etc. Thank you for your questions. As always, I am happy to provide information for our residents.

Very Truly Yours,



Michael A. Maresco
Town Administrator

cc:

Robert W. Galvin, Town Counsel
Select Board